

## **REMARKS**

This Preliminary Amendment is submitted in response to the Examiner's Final Office Action dated 23 April 2004.

The Examiner rejected Claim 3 under 35 USC Section 102(e) as being anticipated by Semret et al, US Patent Publication No. 2003/0101124 A1.

The present application was filed on 27 October 2000. The present application claimed priority to US Provisional Application No. 60/161,640, which was filed on 29 October 1999, and which is entitled Secure Data Interchange. This claim of priority is found on page 2 of the patent specification. This claim of priority is also found in the patent declaration.

The specification and drawings of the US Provisional Application No. 60/161,640 are identical to the present application. Applicant's counsel merely added patent claims to the provisional application and filed it without change except for the claim to the provisional application.

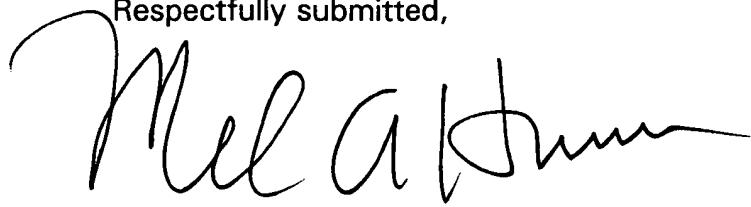
The Semret et al. Publication has a filing date of 12 May 2001. It claims priority to a provisional application filed on 12 May 2000. There does not appear to be any other claim of US or foreign priority in the Semret et al. publication.

Due to the fact that the earliest possible filing date of the Semret et al. application is 12 May 2000, and the fact that the present application was accorded an effective filing date of 29 October 1999, the Semret et al. publication is NOT prior art to the present application.

Applicant respectfully requests that the Examiner withdraw all rejection based upon the Semret et al. publication. Applicant respectfully requests that Claim 3 is patentably distinct over Semret et al. and should be allowed by the Examiner.

If any additional fees are required please charge that fee to Deposit Account No. 50-1060.

Respectfully submitted,



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